

022704  
14230**PLANT PATENT APPLICATION TRANSMITTAL  
(Small Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
ANTHT.65397Total Pages in this Submission  
16

U.S. PTO

**TO THE COMMISSIONER FOR PATENTS**

Mail Stop Patent Application

P.O. Box 1450

Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new plant patent application for an invention entitled (include plant's name):

**VARIETY OF DAYLILY PLANT NAMED 'BERRUB'**

and invented by:

**Leo Berbee**If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information: Continuation    Divisional    Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

 Continuation    Divisional    Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

 Continuation    Divisional    Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

**Application Elements**

1.  Filing fee
2.  Specification having 9 page(s)  
and including the following:

- Descriptive title of the Invention (*with Plant's name*)
- Cross References to Related Applications (*if applicable*)
- Statement Regarding Federally-sponsored Research/Development (*if applicable*)
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings
- Detailed Botanical Description
- Claim (only one (1) permitted MPEP 1605)
- Abstract of the Disclosure

15364 U.S.P.T.O.  
10/789332

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**Application Elements (Continued)**

3.  Drawing(s) in duplicate (as prescribed by 35 USC 165 and 37CFR 1.165(b))

Drawings:       Color       Black and white

Photographs:       Color       Black and white

Total Sheets: 2 (+ copies)

4.  Oath or Declaration

a.  Newly executed (original or copy)       Unexecuted

b.  Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)

c.  With Power of Attorney       Without Power of Attorney

d.  **DELETION OF INVENTOR(S)**

Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).

5.  Incorporation By Reference (*usable if Box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

**Accompanying Application Parts**

6.  Plant Color Coding Sheet

7.  Assignment Papers (cover sheet & document(s))

8.  37 CFR 3.73(b) Statement (*when there is an assignee*)

9.  English Translation Document (*if applicable*)

10.  Information Disclosure Statement/PTO-1449       Copies of IDS Citations

11.  Preliminary Amendment

12.  Acknowledgment postcard

13.  Certificate of Mailing

First Class     Express Mail (*Specify Label No.*): EV 320199748 US

14.  Certified Copy of Priority Document(s) (*if foreign priority is claimed*)

15.  Verified Statement(s) to Establish Small Entity Status Under 37 C.F.R. 1.9 and 1.27.

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**Accompanying Application Parts (Continued)**

16.  Additional Enclosures (*please identify below*):

**Fee Calculation and Transmittal**

The filing fee for this plant patent application is calculated and transmitted as follows:

	<b>BASIC FEE</b>	\$265.00
<b>OTHER FEE (specify purpose)</b>		\$0.00
	<b>TOTAL FILING FEE</b>	\$265.00

- A check in the amount of \_\_\_\_\_ to cover the total filing fee is enclosed.
- The Director is hereby authorized to charge and credit Deposit Account No. **21-0800** as described below.
- Charge the amount of \_\_\_\_\_ as filing fee.
- Credit any overpayment.
- Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: February 27, 2004



*Signature*

Michael S. Doll  
Registration No. 44,092  
Fulwider Patton Lee & Utecht, LLP  
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cc:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Leo Berbee

Docket No.

ANTHT.65397

Serial No.  
TBAFiling Date  
February 27, 2004Examiner  
TBAGroup Art Unit  
TBA

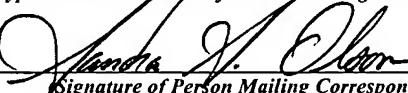
Invention:

**VARIETY OF DAYLILY PLANT NAMED 'BERRUB'**

I hereby certify that the following correspondence:

**New Plant Patent Application***(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

February 27, 2004*(Date)***Sandra A. Olson***(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)*EV 320199748 US*("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**